

**TO:** Mayor and Board of Trustees  
**FROM:** Village Administrator Steve Stricker and Staff  
**SUBJECT:** Regular Meeting of May 13, 2013  
**DATE:** May 10, 2013

**PLEDGE OF ALLEGIANCE – Maggie Callanan, Gower Middle School**

**SWEARING IN CEREMONY – Deputy Chief Marc Loftus**

The approval of the recommendation to appoint Sgt. Marc Loftus to the position of Deputy Chief of Police to fill the vacancy created by the retirement of Tim Vaclav is on the Consent Agenda as Item #8J. After the Consent items have been approved by omnibus vote, Village Clerk Karen Thomas will officially swear in Marc Loftus as Deputy Chief of Police, which will become effective May 14, 2013.

**6. ORDINANCES**

**A. Variation (V-02-2013: 7920 Wolf Road – Lainovic)**

Attached is an Ordinance granting a request for a variation from the Burr Ridge Zoning Ordinance to permit an addition to a house with a setback from the corner side lot line (79<sup>th</sup> Street) of 14.5 feet rather than the required setback of 40 feet. The Plan Commission recommended approval of this variation. At its April 22, 2013 meeting, the Board of Trustees directed staff to prepare an Ordinance concurring with the Plan Commission recommendation and approving this variation.

The subject property is an older home which the petitioner recently purchased. A portion of the existing home encroaches into the required setback from the 79<sup>th</sup> Street property line. The encroachment into the setback was legally non-conforming and was allowed to remain provided it was not removed or enlarged. However, the petitioner removed a portion of the house that encroached into the setback and reconstructed it within the same footprint but with a new and expanded roofline. A permit was not obtained for this work and upon inspection by the Village it was determined that a permit was required and that the work was in violation of the Zoning Ordinance. The petitioner decided to seek a variation. The petitioner paid the required \$2,500 construction necessitated variation fee.

At the advice of staff, the Plan Commission reviewed this variation request based on its own merits without consideration of the fact that the addition was built in conflict with the Zoning Ordinance. The Plan Commission determined that the existing property was unique in that it is an extremely old house by Burr Ridge standards and the subject room addition has existed in the same location for many decades. If the petitioner had sought the variation to replace the room addition with the only change being the change in the roof line (it was changed from a flat sloping roof to a gable roof), the Plan

Commission determined that they would have looked favorably on the variation. The Commission further determined that it would be a hardship to require the petitioner to either remove the addition or to keep the flat, sloping roof which was in disrepair.

**It is our recommendation:** that the Ordinance be approved.

**B. Amend Zoning Ordinance (Z-06-2013: – Schulz)**

Attached is an Ordinance approving a request for an amendment to the Zoning Ordinance to permit outdoor cooking appliances to be located less than 10 feet from a building provided they comply with applicable manufacturer's specifications and an amendment to the Zoning Ordinance to add masonry piers to the list of permitted accessory structures in a rear yard provided the number of piers is limited to four or less, that they do not exceed six feet in height and four square feet in area, and that they comply with the required setbacks for other accessory structures in the underlying zoning district.

The Plan Commission recommended approval of this variation. At its April 22 meeting, the Board of Trustees directed staff to prepare an Ordinance concurring with the Plan Commission and approving this variation.

It was reported that the Pleasantview Fire District does not object to allowing outdoor cooking appliances to be located adjacent to a building provided they are properly vented and enclosed as per manufacturer's specifications. In regards to masonry piers, as long as they comply with the setback requirements and are not located adjacent to a lot line, as is allowed for a fence, they would have similar impacts as other permitted accessory structures.

**It is our recommendation:** that the Ordinance be approved.

**C. Zoning Ordinance Text Amendment (Z-03-2013: Residential Driveways)**

Attached is an Ordinance amending the Zoning Ordinance to allow non-conforming residential driveways that exceed the permitted maximum width to be replaced with the same or alternate materials and to remain legal non-conforming as to their width. The Zoning Ordinance limits driveways to 22 feet in width and requires that non-conforming driveways that exceed 22 feet be narrowed to comply with the Zoning Ordinance when they are replaced.

The Plan Commission was asked to conduct a public hearing to consider this amendment based on input received from residents. Most if not all of the non-conforming driveways are for access to three car garages. The Plan Commission believes that requiring them to be reduced to 22 feet would create a hardship in that the utility of the three car garage would be reduced. The Board concurred with the Plan Commission and directed staff to prepare the attached Ordinance.

**It is our recommendation:** that the Ordinance be approved.

**D. Special Use (Z-05-2013: 16W231 South Frontage Road – Shop Melee)**

Attached is an Ordinance approving a special use approval to permit accessory retail sales for a warehouse and distribution facility for used clothing and related household items. The subject property is within a GI General Industrial District located at 16W251 South Frontage Road, Units 11, 12, and 13.

The petitioner operates an internet consignment business whereby used clothing and household items are sold via internet and shipped by a package delivery service. This principal use is considered a warehouse and distribution facility which is permitted in the GI District. However, twice a month, the business conducts retail sales where they invite customers to come to the warehouse to shop and purchase items. Retail sales accessory to a permitted use is classified as a special use in the GI District.

The Plan Commission reviewed a table presented by staff that indicated the existing businesses within this property require less than 140 parking spaces and that there are 190 parking spaces available. It was also noted that although there is another business providing retail services (Kettlebell fitness facility), there are no other retail users. Additionally, the Commission was comfortable allowing the business the flexibility to conduct retail sales every Friday and Saturday although the business only plans to do so twice a month.

At its April 22 meeting, the Board directed staff to prepare an Ordinance concurring with the Plan Commission and approving this special use.

**It is our recommendation:** that the Ordinance be approved.

**E. Special Use (Z-16-2012: 150 Burr Ridge Parkway – Chase)**  
**F. Variation (Z-16-2012: 150 Burr Ridge Parkway – Chase)**

Attached are the Ordinances granting special use approval for a bank with drive through facilities and for a zoning variation to reduce the required 40 foot front yard setback. The subject property is located at 150 Burr Ridge Parkway.

The Plan Commission recommended approval of the special use and variation. At its November 26, 2012, meeting the Village Board directed staff to prepare the attached Ordinances.

**It is our recommendation:** that the Ordinances be approved.

**G. Amend Zoning Ordinance (Z-16-2012: Bank Drive-Thru Text Amend)**

Attached is an Ordinance amending the Zoning Ordinance to modify the required stacking for drive through facilities for banks. The existing regulations require six stacking spaces for each drive through lane. Based on

a traffic study provided by Chase Bank and a review of regulations from other Villages in the area, it was determined that three stacking spaces per lane was sufficient. This amendment applies only to banks.

**It is our recommendation:** that the Ordinance be approved.

**H. Conditional Sign Approval (S-05-2012; 150 Burr Ridge Parkway – Chase)**

Attached is an Ordinance granting conditional sign approval and sign variations for the proposed Chase Bank at 150 Burr Ridge Parkway. The sign package includes a shopping center sign designed to match the Village's downtown monument sign, three wall signs and a variety of directional signs. All of the directional signs comply with the Sign Ordinance. Conditional sign approval is required for the shopping center sign. Variations are required for the wall signs to allow more than one sign and for the total sign area exceeding 100 square feet (four wall signs with a combined area of approximately 200 square feet was requested). As directed by the Village Board at their November 26, 2012 meeting, the Ordinance requires that all of the signs be back lit, opaque letters.

**It is our recommendation:** that the Ordinance be approved.

**7. RESOLUTIONS**

**A. Purchase of Electricity for Street Lighting**

The Village of Burr Ridge currently purchases electricity as a commodity on the open market. This methodology results in significant cost savings as compared to Com Ed's standard rate structure, especially for our operations which consume a large volume of electricity, such as street lighting and water pumping operations. In order to access the open market, the Village has utilized a broker/consultant to identify favorable market conditions, structure the commodity purchase contract, and to initiate the purchase. In May/June, 2013, it is anticipated that conditions will be favorable for the procurement of an electric purchase contract for street lighting, which expends approximately \$30K from the General Fund annually. The Village currently pays \$0.02843/kWh to Exelon, the current electric provider. This contract expires in June, 2013. A new aggregated bid is expected on May 29th, 2013.

The commodities brokerage service for the Village has previously been provided by NIMEC (Northern Illinois Municipal Electric Collaborative), which represents a large number of Illinois municipalities. NIMEC's brokerage approach consists of aggregated bidding, in which a large number of municipalities are bundled together when market conditions are favorable, and electricity manufacturers bid competitively on the bundled package. This approach allows municipalities to take advantage of economy of scale beyond that which would be realized if they bid their electric purchases separately. NIMEC collects an origination fee from its suppliers for aggregating the load and for brokering the purchase. Due to the purchase environment and the immediacy of contract signing, it is typically not possible to bring the bid

results to the board between the bid date and the required signing date (typically 24-48 hours following the bid). As a result, staff has historically notified the Board of an impending purchase, and the Board has authorized the Village Administrator to sign the contract documents during the required period. The Village has been satisfied with the brokerage services offered by NIMEC to date.

An ancillary brokerage alternative is now available to the Village through Midwest Energy, which is a Burr Ridge based broker of electric and natural gas commodities. Like NIMEC, Midwest Energy also represents a large number of Illinois municipalities and corporations in the purchase of electricity and natural gas. Midwest Energy employs a margin based approach by which an individual client's consumption profile will be presented to the market for bid, and Midwest Energy retains a margin fee in exchange for their brokerage services.

Staff has met with representatives of both NIMEC and Midwest Energy, and we have negotiated an arrangement whereby we can further improve competition by exposing the Village's purchase to a larger number of electricity providers - by utilizing the services of both agents. Currently both agents solicit bids from a select number of suppliers (typically 3-4). Therefore, the Village has identified three manufacturers for each agent to represent, which will result in competition for not only the purchase of the electric commodity, but also for the brokerage fees. In this way, the Village will benefit from increased competition in both regards. NIMEC will bring forward bids from Constellation, Exelon, and MC<sup>2</sup>, and Midwest Energy will bring forward bids from Ameren, Direct Energy, and Mid-American Energy. Based on the complexity of aggregating the municipal bid, NIMEC will set the bid date (May 29<sup>th</sup>), and Midwest Energy will collect their bids on the agreed-upon date. The Village will authorize the contract for the lowest realized cost alternative (electric cost + brokerage fee). No compensation will be provided to the agent that does not provide the lowest cost alternative.

**It is our recommendation:** that the Village Board authorize the Village Administrator to utilize the brokerage services of NIMEC and Midwest Energy to solicit bid prices for the purchase of electricity for street lighting, and to execute the contract for the lowest cost alternative.

**B. Chase Bank Agreement – Fee in Lieu of Sales Tax**

Attached is an agreement between North Star Trust Company (Aristotle Halikias/owner of the property), HBG Corporation (Chase Bank/Tenant) and the Village of Burr Ridge, which requires the owner of the property (Mr. Halikias) to provide the Village with an annual contribution of \$12,000 in lieu of sales taxes that would otherwise be generated by a sales tax generating user of the property located at 150 Burr Ridge Parkway.

In order to secure the owner's obligation to pay this annual contribution, a letter of credit in the amount of \$100,000 will be provided. The agreement is for 20 years or for so long as the tenant (Chase Bank) is in possession of the

property and operating a financial institution.

The agreement has been signed by both the owner (Mr. Halikias) and the tenant (Chase Bank) and **it is my recommendation** that the Resolution be adopted and that the Mayor be authorized to sign the agreement.

## **8. CONSIDERATIONS**

### **A. Heatherfields Subdivision Surveillance Cameras**

The Village Board will recall that, for the past several years, we have attempted to solicit interest from various Homeowners' Associations throughout the Village to install security cameras at the entrances of their Subdivisions, utilizing the Village's wireless network system. Our long-standing proposal has been to maintain and passively monitor these cameras, if the HOA were to pay for their cost. I am pleased to report that the Heatherfields Homeowners' Association has agreed to be the first Subdivision to participate in the video surveillance program (see attached letter). Heatherfields HOA will pay for purchase of two cameras at the cost of \$6,600 each. This amount will cover the cost of the purchase of the cameras, installation and a one-year warranty. We hope that the decision of the Heatherfields Subdivision to move forward with the video surveillance program for their subdivision will prompt other HOAs to do the same.

**It is our recommendation:** that the request from the Heatherfields Homeowners' Association to install cameras at the entrance to their subdivision be approved and that the Mayor be authorized to sign an agreement memorializing the approval of this request, based on the parameters set forth in the letter from the Homeowners' Association.

### **B. Contract for ComEd Tree Trimming**

In 2008-2009, the Village of Burr Ridge engaged in a lengthy negotiation with Commonwealth Edison after being informed that Com Ed intended to remove all trees within the limits of their right-of-way and easement along their transmission lines (generally from the Des Plaines River to Harvester Park). After much discussion, negotiation, and consideration by the Village Board, as well as consideration of public comment, the Village entered into an agreement with Com Ed which would result in reduced trimming impact, in exchange for interim trimming by the Village if necessary prior to Com Ed's 5-year trimming cycle. Com Ed is regulated by FERC guidelines which establish an arc-flash distance which must be adhered to for electric transmission reliability. If this distance is inadequate during years 1-4, the Village would be responsible for trimming costs. If this distance is inadequate during year 5 (Com Ed's standard cycle), Com Ed would be responsible.

The Village is currently in the fourth year of the agreement. No trimming was necessary in years 1 and 3; \$5K of trimming was performed by the Village in year 2. This year, Com Ed notified the Village that there was a substantial list of trees which would require trimming. Burr Ridge staff and consultant

representatives accompanied Com Ed on an inspection of the transmission line corridor, at which time Com Ed measured arc distances with a range-finder. After generating the list, Com Ed identified a cost of \$72K to perform the work with their contractor (Asplundh), which cost the Village would have to reimburse Com Ed. At that time, the Village solicited independent pricing from Kramer Tree Specialists, a line-clearance-qualified contractor, for minimal work necessary for FERC compliance. The price for this work is \$29,450. Although this price remains higher than anticipated, it represents a significant reduction from the Com Ed price.

Despite our displeasure with the timing of Com Ed's trimming demand, it does appear to be our contractual obligation to perform the work in accordance with the agreement, and it is likely that if the Village elects not to perform the work, we will be found responsible for the costs that Com Ed realizes, which will be substantially higher than our costs. Therefore, it is recommended that the Village proceed with the de minimus activities required for FERC compliance. During the course of the work, supervision will be provided by Gary Gatlin, Village Arborist, and Chuck Stewart, Village Forester, in order to ensure that the minimum required work is performed.

**It is our recommendation:** that a contract for transmission line trimming be authorized with Kramer Tree Specialists of West Chicago, in the amount of \$29,450.

**C. Replacement Plantings on County Line Road Medians**

The median and gateway landscaping maintenance services are currently provided by Landworks, Ltd. Maintenance activities include a wide variety of activities, but do not include the replacement of perennial plants, bushes, or trees that die. Over the course of the past several seasons, natural plant mortality has resulted in thinning and bare spots in several of the medians. In order to avoid contractual disputes between a planting contractor and a maintenance contractor, the Village has required landscape maintenance contractors to be adequately equipped to perform planting and other additional landscape services when called upon.

After reviewing the condition of perennial plantings in fall 2012, staff determined that additional replacement plants would be needed to restore the medians to their former condition. Two budget items in the amount of \$2,500 and \$5,000 have been included in the FY 13-14 budget to accommodate the necessary plantings. In late spring, 2013 staff requested a price from Landworks for the necessary work. Landworks' original price was \$8,319, but staff has negotiated a reduced price in order to adhere to budgetary constraints. Landworks has agreed to perform the work for \$7,473, which is within the budgeted amount. This item is paid for from the Hotel-Motel fund.

**It is our recommendation:** that a landscape contract for median plant replacement be authorized with Landworks Ltd, of Bolingbrook, IL, in the amount of \$7,473. The contract will be funded by the Hotel-Motel fund.

**D. Professional Engineering Services (County Line Road Sidewalk)**

The Pathway Commission has previously directed staff to submit grant applications and to proceed with engineering services for the construction of a new sidewalk on the east side of County Line Road, between Longwood Court and Kathryn Legge Memorial Park. This project initially consisted of proposed sidewalks on both the east and the west side of County Line Road as directed by the Village Board on 1/24/2011. Following a feasibility study, the Village Board directed staff to exclude the segment of sidewalk on the west side of the road. Therefore, a grant application for construction of sidewalk on the east side was prepared. The estimated cost for this project is \$379K, and the Village has been awarded STP grant funds in the amount of \$284K for the project (75%). The project has been included in the state TIP (Transportation Improvement Program) for construction in 2015.

Design of this sidewalk will be complex due to the fact that construction will require a bridge/culvert extension over an existing waterway, substantial grading, and construction in the Cook County right-of-way. Permits will be required from both Cook County and DuPage Counties and it is likely that wetland impacts will need to be remediated. This work will require specialized expertise in several areas, including structural engineering, geotechnical engineering, and wetland/environmental science.

Therefore, the Engineering Division has solicited a proposal for this work from Burns & McDonnell Engineering Company, which was the firm that provided the feasibility study, and has performed much of the sidewalk design for the Village historically. Burns & McDonnell has reviewed the scope of the work with the Village and generated a scope and cost proposal for Phase I and II Professional Engineering services for the work. The cost for this work is in an amount not to exceed \$47,550. This cost will be paid for from the Pathway Fund; the FY 2013-14 Budget includes \$47,500 for this purpose.

**It is our recommendation:** that a professional services contract be awarded to Burns & McDonnell, in an amount not to exceed \$47,550, to be paid out of the Pathway Fund.

**E. Purchase of Replacement Vehicle #27 (Plow Truck)**

The FY 2012-13 Equipment Replacement Budget includes \$155,000 for the replacement of Unit #27, which is currently a 2004 GMC Low-Pro Dump Truck. The Village's plow fleet currently consists of smaller "Low-Pro" salt trucks as well as larger full-sized dump trucks. The Low-Pro vehicles do offer more utility as they are smaller and more maneuverable than the larger vehicles, but they are not as effective at plowing, particularly for heavy, wet, or large volumes of snow. The DPW intends to retain both vehicles in the fleet, but would like to provide for replacement of one Low-Pro with a full-sized plow truck to improve efficiencies during the snow season. Also, due to the corrosive nature of road salt, the DPW has found that the plow truck



bodies typically fail before the mechanical equipment. In order to lengthen the useful life of the combined unit, the replacement vehicle has been specified with a stainless steel dump body.

The Village is a member of the State of Illinois Purchasing Cooperative, which provides competitive pricing for vehicles and other equipment. The low bid for the Navistar single-axle dump truck has been awarded to Prairie International Trucks, of Springfield, Illinois. The contract for this vehicle runs through May 15, 2013, after which time the price will increase. Vehicles which are ordered prior to that time are expected for delivery around January 1, 2014. The price for the specified equipment and dump body, pursuant to the low bid award through the State of Illinois Purchasing cooperative is summarized following:

Base vehicle with options (Navistar single-axle dump truck):	\$ 65,353.00
Monroe stainless steel dump body (hydraulics, controls, plow equip):	\$ 74,828.00
<u>License/Title:</u>	<u>\$ 105.00</u>
<b>Total vehicle/body/equipment/controls:</b>	<b>\$140,286.00</b>

**It is our recommendation:** that the purchase of the replacement vehicle for unit #27 be made through the State Purchasing Cooperative, at the awarded competitive low bid cost of \$140,286.00.

**F. Request for Hotel/Motel Tax Funds – Flagg Creek Heritage Society**

Enclosed is a letter from Linda Petrasek, Secretary of the Flagg Creek Heritage Society, requesting a contribution toward the continued operation of its Vial House Museum. \$2,500 has been placed in the Hotel/Motel Tax Fund Budget for this purpose.

**It is our recommendation:** that the request from the Flagg Creek Heritage Society for a contribution toward operation of its Vial House Museum in the amount of \$2,500 from the Hotel/Motel Tax Fund be approved.

**G. Request for Donation to Market on the Green**

Enclosed is a letter from Lavonne Campbell, Superintendent of Recreation for the Burr Ridge Park District, requesting a contribution toward the Park District's Market on the Green and specifically for the Children's Entertainment Stage. The Market runs from June 13 through September 26, 2013. \$1,200 has been placed in the General Fund for this purpose.

**It is our recommendation:** that the request from the Burr Ridge Park

District for a contribution toward its Market on the Green in the amount of \$1,200 from the General Fund be approved.

**H. Business Address Labels for Chamber of Commerce**

The WB/BR Chamber of Commerce is holding a Membership Drive/Open House in conjunction with MB Financial Bank's Customer Appreciation Day. The events are scheduled on Wednesday, June 12, at the Chamber's offices at 8300 S. Madison Street. The Chamber is requesting a set of our Business Address Labels to be used to invite all Burr Ridge businesses to this event. We have provided labels to the Chamber for this purpose in the past.

**It is our recommendation:** that the request from the WB/BR Chamber of Commerce for a set of Burr Ridge Business Address Labels be approved.

**I. Appoint Sgt. Marc Loftus to Deputy Chief of Police**

Attached please find a recommendation from Chief John Madden to appoint Sgt. Marc Loftus to the position of Deputy Chief of Police to fill the vacancy created by the retirement of Tim Vaclav. I concur wholeheartedly with this recommendation and therefore, **it is my recommendation** that the recommendation to appoint Sgt. Marc Loftus to the position of Deputy Chief of Police, effective May 14, 2013, be approved.

**J. Authorize BFPC regarding Promotions and Hiring**

Due to the retirement of Deputy Chief Tim Vaclav and the pending appointment of Sgt. Marc Loftus to the position of Deputy Chief, an opening will exist in the rank of Sergeant. The promotion of a Corporal to fill this vacancy will then create a vacancy in the rank of Corporal, which, when filled, will in turn create an opening in the Patrol Officer force.

**It is our recommendation:** that the Board of Fire and Police Commissioners be authorized to fill the vacant position in the rank of Sergeant, as well as the corresponding vacancy that will occur in the rank of Corporal, and to hire a replacement officer to fill the subsequent vacancy in the Patrol Officer force.

**K. FY 2012-13 Vendor List**

Enclosed is the FY 2012-13 Vendor List in the amount of \$256,276.86 for all funds.

**It is our recommendation:** that the FY 12-13 Vendor List be approved.

**L. FY 2013-14 Vendor List**

Enclosed is the FY 2013-14 Vendor List in the amount of \$100,861.58 for all funds, plus \$245,291.19 for payroll, for a grand total of \$346,152.77.

**It is our recommendation:** that the FY 13-14 Vendor List be approved.